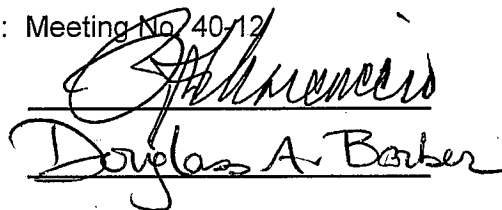


APPROVED: Meeting No. 40-12

ATTEST:



MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND

May 14, 2012

7:00 p.m.

Meeting No. 19-12

The Mayor and Council convened in a joint meeting with the City of Gaithersburg Mayor and Council at 6:00 p.m. on Monday, May 14, 2012, in City Hall, 111 Maryland Avenue, Rockville, Maryland.

The purpose of the joint meeting was to discuss related issues between the two cities. Mayor Marcuccio introduced the Mayor of Gaithersburg, Sydney Katz, who then introduced the City of Gaithersburg Councilmembers in attendance. Mayor Marcuccio then introduced the City of Rockville Councilmembers.

The following topics were discussed at length with key points provided by the elected officials:

- Adequate Public Facilities Ordinance (APFO)
  - Briefing and Review
  - Looking for mutual agreement in the document
  - Ways to collaborate
  - Joint Committee – Moving Forward with a Collective Voice
- Annexation of the Sears Property –
  - Connectivity Issues between both the communities
  - Memorandum of Understanding (MOU) between the two Cities

The joint meeting adjourned at 6:52 p.m.

**PRESENT:**

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

**STAFF PRESENT:**

Acting City Manager Jenny Kimball, City Clerk/Treasurer Doug Barber, Deputy City Clerk Brenda Bean, and City Attorney Debra Daniel.

**1. Convene**

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, May 14, 2012, in City Hall, 111 Maryland Avenue, Rockville, Maryland.

**2. Pledge of Allegiance**

Mayor Marcuccio led the Pledge of Allegiance.

### **3. Agenda Review**

City Clerk Barber advised that a proclamation declaring May 2012 as Historic Preservation Month in Rockville had been added to the agenda along with revisions being made to the Future Agendas item.

### **4. City Manager's Report**

Acting City Manager Kimball reported to the Mayor and Council on the following items:

- The City's Water Main Flushing Program will begin on May 18 and continue through November 2. For additional information and a program schedule, residents were directed to the City's website;
- The City of Rockville is being showcased this month during the American Institute of Architects Convention. The conference attendees will be touring the following areas of Rockville during their conference: King Farm, New Mark Commons, and the City of Rockville Town Square.

### **5. Proclamation declaring May 2012 as Historic Preservation Month in Rockville**

Mayor Marcuccio read the proclamation and then along with the Council presented the proclamation to Mary van Balgooy, Executive Director of Peerless Rockville. Mr. Erik Ledbetter, incoming president of Peerless Rockville, addressed the Mayor and Council and thanked them for the proclamation and their support of historic preservation in Rockville.

**Motion:** To approve a proclamation declaring May 2012 as Historic Preservation Month in Rockville.

Moved by Councilmember Moore, seconded by Councilmember Hall, and unanimously approved.

### **6. Presentation by the Metropolitan Center for the Visual Arts at Rockville - Update by Bob Buchanan, President**

Mr. Bob Buchanan, President, of the Metropolitan Center for the Visual Arts at Rockville, provided an update to the Mayor and Councilmembers on events, activities, programs, facilities and finances for VisArts at Rockville.

### **7. Presentation of Environmental Excellence Awards and Photography Contest Award Winners**

Mr. Kris Dighe, Chair of the Rockville Environmental Committee, led the presentation of the Environmental Excellence Awards and the Environmental Photography Contest. Mr. Dighe noted that this annual event sponsored by the City of Rockville allows people of all ages to show off their photography skills and celebrate Rockville's environment. This year, a team of judges from VisArts and the Environmental Management Division selected winners and honorable mentions in three categories: Teen, Adult and Senior. The following award recipients for this year were recognized and presented award certificates by Rockville Environmental Committee Chair Kris Dighe, the Mayor and Councilmembers:

**a. Environmental Photo Contest Awards**

**(1) Teen Category**

Winner: Sulan Wu – Daffodil Wish

Honorable Mention: Sulan Wu – Morning Glory

**(2) Adult Category**

Winner: Haleh Forouhesh – Little Sparrow

Honorable Mention: Angel Santiago – The Beall Bee

Honorable Mention: Sara Moline – Spring Spirals

**(3) Senior Category**

Winner: Sally Guardia – Gosling

Honorable Mention: Sally Guardia – Green Heron

Honorable Mention: Judith MacArthur – Waiting for Spring

**b. Environmental Excellence Awards**

The Mayor and Council established the Environmental Excellence Award in 2003 to acknowledge and bring the community's attention to extraordinary accomplishments made by residents, organizations, and businesses that work to enhance Rockville's environment and sustainability efforts. This year's winner for Outstanding Leadership in Environmental Practices was presented by Rockville Environmental Committee Chair Kris Dighe, the Mayor and Councilmembers to Ecobeco. Mr. Brian Toll, the founder and President, and Mr. Reuven Walder, founder and Vice President of Ecobeco, accepted the award.

**c. The Carl Henn Outstanding Individual Environmental Stewardship Award**

The Mayor and Councilmembers presented the Carl Henn Outstanding Individual Environmental Stewardship Award this year to Mr. Keith Sanderson for his volunteer work in the City's Save Our Streams monitoring program, the Weed Warrior Non-Native Invasive Species Removal Program, and above all, for his constant work to improve the City of Rockville programs and environment.

8. **Public Hearing - Ordinance to revise and amend Chapter 5 of the Rockville City Code entitled "Buildings and Building Regulations," by adopting with certain additions, deletions and amendments the ICC International Building Code, (2012 Edition), the ICC International Residential Code, (2012 Edition), the NFPA 70 National Electrical Code, (2011 Edition), the ICC International Energy Conservation Code, (2012 Edition), the ICC International Fuel Gas Code, (2012 Edition), the National Fire Protection Association Codes, 51, 54, and 58, the ICC International Mechanical Code, (2012 Edition), the ICC International Plumbing Code, (2012 Edition); the ICC International Existing Building Code, (2012 Edition), and Article XIV entitled "Green Building Regulations" and by making other minor technical changes**

Mayor Marcuccio opened the Public Hearing on proposed changes to Chapter 5 of the Rockville City Code entitled "Buildings and Building Regulations". The proposed changes to Chapter 5 presented in the proposed ordinance update the City's building codes by adopting the national

codes by reference every three years and also to make some minor revisions to the local amendments. There was no one wishing to address the Mayor and Council on the Public Hearing. Community Planning and Development Services Director Swift and Construction Supervisor Purkey responded to questions of clarification posed by the Mayor and Council. The Mayor and Council requested that the record remain open until the close of business on Friday, May 25, 2012.

#### 9. Appointments & Announcement of Vacancies

**Motion:** To appoint Elizabeth Slyne to the Senior Citizens Commission as member until May 1, 2015.

Moved by Councilmember Newton, seconded by Councilmember Moore, and unanimously approved.

Mayor Marcuccio read the vacancies for the following Board and Commissions: Compensation Commission, Environment Commission, Human Rights Commission, Landlord Tenant Affairs Commission, Planning Commission, Senior Citizens Commission, and Sign Review Board. Mayor Marcuccio closed by encouraging residents to visit the City's website for information on how to apply.

#### 10. Citizen's Forum

<i>Citizen</i>	<i>Issue</i>
Schuyler Sydney Johns	Thanked the Mayor and Councilmembers for their support of The Finest! Youth Program
Robert Ekman	Update on Activities and Programs at the Rockville Science Center; Overview and Success of the Rockville Science Day Program.
John Pfaeler, F.O.P. President, Lodge # 117	Addressed issues faced by the Police Department; Merit and COLAs given to the City of Rockville employees in recent years
Amy McCarthy, F.O.P. Advisor	Addressed the current funding allotted for COLAs and Merit Pay for City employees in the FY13 Budget and in previous budget years.
Brian Kareem, Montgomery Sentinel	Addressed the Mayor and Councilmembers and personally thanked the City staff for their cooperation and work with the <i>Sentinel Newspaper</i> .

Mayor Marcuccio updated the residents of Rockville regarding the investigation of certain personnel and work place matters by reading the following statement: "The City has retained the firm of Saul Ewing, LLP. to investigate certain personnel and work place matters. Saul

Ewing, LLP. has commenced its investigation and has established a hotline for the City employees to report workplace concerns. City management does not have any access to any hotline communications." Mayor Marcuccio noted that she became aware that the hotline did not work the first couple of times, but the hotline is now working. All hotline calls go directly to Saul Ewing attorneys conducting the investigation, and once again we strongly encourage all employees with information that may assist in the investigation to contact the hotline. It is also important to stress that the City prohibits retaliation against employees who participate in this investigation. Retaliation against employees who report concerns during this investigation will not be tolerated.

#### **11. Mayor and Council's Response to Citizen's Forum and Announcements**

Councilmember Hall

Thanked Ms. Schuyler Sydney Johns for attending the meeting; Science Day at the Rockville Science Center was a great event and thanked Mr. Robert Ekman for the update; Salary Issues, and looking forward to the Mayor and Council's discussion later in the meeting.

Councilmember Newton

Thanked Ms. Amy McCarthy, F.O.P. Advisor for addressing the Mayor and Council and the information she relayed.

Councilmember Pierzchala

Responded to Council's comments regarding information on the proposed FY13 Budget being provided by City Staff.

Councilmember Moore

Thanked Mr. Robert Ekman for attending the meeting and noted that the Science Center's Science Day was a great event.

#### **12. Consent Agenda**

- A. Introduction of an ordinance to approve SCA2012-00100 - Application to permanently close and abandon an unimproved right-of-way between Anderson Avenue and Beall Avenue.
- B. Introduction of an ordinance to approve SCA2012-00101 - Application to permanently close and abandon an improved public right-of-way, Pleasant Drive, between Piccard Drive and the northern City limit.

Councilmember Newton requested the removal of Item # C from the consent agenda and handled as a separate item.

**Motion:** To approve the Consent Agenda.

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.

**Motion:** To approve a contract increase of \$500,000 to Venable, LLP for legal services.

Councilmember Newton requested clarification from staff on the request on the increase to the contract with Venable, LLP. City Attorney Daniel responded and provided clarification to questions posed by the Mayor and Council on the request to increase the contract with Venable, LLP for legal services.

Moved by Councilmember Moore, seconded by Councilmember Pierzchala, and unanimously approved.

**13. Introduction - Ordinance to Levy Special Assessments for Driveway Aprons Constructed in Fiscal Year 2011, project 0C11**

Councilmember Hall moved to Introduce.

**14. Discussion and Instructions - FY 2013 Proposed Operating and Capital Improvements Program (CIP) Budgets**

The Mayor and Council began the FY13 proposed budget discussion by reviewing material provided by staff for this purpose. The Mayor and Council used the budget worksession to continue funding priorities discussions and used the budget balancing tool provided by the City staff while discussing the FY13 proposed budget. City staff noted that decisions agreed upon by the Mayor and Council would be incorporated in the proposed budget that is scheduled for adoption at the Mayor and Council meeting scheduled for Monday, May 21, 2012. The following key points were addressed and discussed by the Mayor and Council with clarifications provided by City staff:

- a. **West End Park Noise Barrier** - The Mayor and Council were provided clarification by staff on the funding for the West End Noise Barrier. Staff noted that design costs were already included in the proposed FY13 budget under the Department of Public Works; however, it did not include construction costs.
- b. **VisArts Bathroom** - The City staff provided clarifications to the proposed improvements and costs for the renovations to the VisArts 2<sup>nd</sup> and 3<sup>rd</sup> Floor bathrooms at the facility are ADA requirements. Director of Recreation Hall and Director of Finance Cohen provided clarification as to why the proposed cost of \$10,000 for the project is incorrect, as it was going to be for modifications for a first floor bathroom, and that project is no longer in the proposed plan. The funding being proposed for VisArts should be identified as \$30,000.
- c. **Rooftop Roof Improvements** - Director of Recreation and Parks Hall addressed and responded to questions posed by the Mayor and Council on proposed Rooftop Roof Improvements in the amount of \$160,000 in the proposed FY13 budget.
- d. **Arts in Public Place Transfer** - The Mayor and Council noted that they had addressed the item and approved the proposed funding at a prior meeting.
- e. **Green Building Tax Credit** - The Mayor and Council discussed the issue at length. Councilmember Pierzchala would like to see the funding delayed until FY14 and placed as an incentive for the residents. Director of Finance Cohen responded to questions posed by the Mayor and Council on the allocation of funds for the initiative for now and in future years.

- f. **Chamber of Commerce Rewards Program** - The Mayor and Council discussed the Chamber of Commerce Rewards Programs with Councilmember Hall, Councilmember Newton, and Councilmember Moore stating their support for the funding of the program.
- g. **Vehicle Policy – Car Allowance** - The Mayor and Council discussed at length the current vehicle policy. The Mayor and Council's discussions included the requirement that permits a car allowance to selected senior staff. Director of Finance Cohen responded to questions of clarifications posed by the Mayor and Councilmembers on the issue.

**Discussion of Proposed COLA for FY13 Budget** - The Mayor and Council discussed at length what the proposed COLA (Cost of Living Adjustment) should be set for the FY13 Budget. The Mayor and Council discussed the issues along with the ramifications of giving a proposed COLA. The Mayor and Council discussed providing a 1% increase as a one-time bonus. Director of Finance Cohen responded to the Mayor and Councilmember's questions that allowed for the discussion to continue. The Mayor and Council requested staff bring back to them information on how the City can fund the proposed 1 % COLA, and the 1% (Lump Sum) one-time bonus to employees. The Mayor and Council discussed not including the senior staff in the additional 1% lump sum bonus.

The Mayor and Council discussed the proposed changes made to the proposed FY13 budget in order to provide the City staff clear direction in preparing the final numbers for the FY13 budget. The Mayor and Council provided a clear consensus to the City staff on the issues addressed and agreed upon by the Mayor and Council during the meeting on the proposed FY 13 budget.

**Note for the Record:** The Mayor and Council took a brief recess at 9:56 p.m. and then returned to the meeting at 10:06 p.m.

#### **15. Discussion - Creating Conservation Districts in the City**

Zoning Administrator Deane Mellander addressed the Mayor and Council with the staff report for the Mayor and Council to discuss the process for which the City currently follows when creating a conservation district in the City of Rockville. Mr. Mellander advised the Mayor and Council that conservation districts were formally established with the adoption of the revised zoning ordinance in the year 2008. Mr. Mellander noted that there is currently one conservation district established in Rockville that is located in the Lincoln Park Neighborhood. Mr. Mellander responded to questions of clarifications posed by the Mayor and Council on the issue. The Mayor and Council noted that this item was placed on the agenda just as a discussion item.

#### **16. Review and Comment Mayor and Council Action Report**

The Mayor and Councilmembers reviewed, discussed, and commented on items listed on the Mayor and Council's Action Report. The Mayor and Councilmembers would like to see information on item # 22 (FY13 Proposed REAP Funding) and item # 24 (Rockville Summit) provided to the public.

#### **17. Review and Comment Future Agendas**

The Mayor and Council reviewed and discussed the future agenda for the meeting scheduled for May, 21, 2012. Councilmember Pierzchala noted he would not be present for the scheduled Mayor and Council Meeting of June 18, 2012.

**18. Mayor and Council Liaisons to Boards and Commissions Report** .....

The Mayor and Councilmembers noted the events they had each attended during the last week. The Mayor and Councilmembers thanked all those that worked on the Peerless House Tour for their work and for putting on a great event in the City.

**19. Old/New Business**

Councilmember Newton noted that last week was Public Service Employee Week. She thanked the employees of Rockville for their work.

**20. Adjournment**

There being no further business, the Mayor and Council adjourned at 10:23 p.m.

**Motion:** To adjourn.

Moved by Councilmember Hall, seconded by Councilmember Moore, and unanimously approved.